

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

OUTSTATE MICHIGAN TROWEL TRADES
PENSION FUND, et al.,

Plaintiffs,

v.

Case No. 2:08-cv-14890
Hon. John Feikens

NILES GROUP, LTD. d/b/a VALLEY
PAINTING, INC.,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

I have before me, Magistrate Judge Mark A. Randon's Report and Recommendation ("Report") (Docket #35). In his Report, Magistrate Judge Randon recommends that I deny Plaintiffs' Motion for Summary Judgment on Liability. Plaintiffs filed an Objection to the Report. Having considered the arguments set forth by the parties, I find that Magistrate Judge Randon has thoroughly and correctly analyzed the issues and I agree with his recommendation. Therefore, I **OVERRULE** Plaintiffs' Objections, **ADOPT** Magistrate Judge Randon's Report and Recommendation, and **DENY** Plaintiffs' Motion for Summary Judgment on Liability.

IT IS SO ORDERED.

Date: May 25, 2010

s/ John Feikens
John Feikens
United States District Judge

Proof of Service

I hereby certify that the foregoing order was served on the attorneys/parties of record on May 25, 2010, by U.S. first class mail or electronic means.

s/Carol Cohron
Case Manager